

2013 DRAFTING REQUEST

Bill

Received:	9/30/2013	Received By:	phurley
Wanted:	As time permits	Same as LRB:	
For:	Paul Tittl (608) 266-0315	By/Representing:	
May Contact:		Drafter:	phurley
Subject:	Criminal Law - miscellaneous	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
 Requester's email: **Rep.Tittl@legis.wisconsin.gov**
 Carbon copy (CC) to: **Rep.Tittl@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Treatment and Diversion grant program for mentally ill persons

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	phurley 10/11/2013	kfollett 10/7/2013	rschluet 10/7/2013	_____	srose 10/7/2013		State S&L
/1		csicilia 10/11/2013	jfrantze 10/11/2013	_____	srose 10/11/2013	lparisi 10/18/2013	State S&L

FE Sent For:

@intro

<END>

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/P1	phurley	kfollett 10/7/2013	rschluet 10/7/2013		srose 10/7/2013		State S&L

FE Sent For:

10/11/13
10/11/13
<END>

2013 DRAFTING REQUEST

Bill

Received:	9/30/2013	Received By:	phurley
Wanted:	As time permits	Same as LRB:	
For:	Erik Severson (608) 267-2365	By/Representing:	AJ
May Contact:		Drafter:	phurley
Subject:	Criminal Law - miscellaneous	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
 Requester's email: **Rep.Severson@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Treatment and Diversion grant program for mentally ill persons

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	phurley 10/1/2013	kfollett 10/7/2013	rschluet 10/7/2013	_____	srose 10/7/2013		State S&L

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: **9/30/2013** Received By: **phurley**
 Wanted: **As time permits** Same as LRB:
 For: **Erik Severson (608) 267-2365** By/Representing: **AJ**
 May Contact: Drafter: **phurley**
 Subject: **Criminal Law - miscellaneous** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Severson@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

✓ Treatment and Diversion grant program for mentally ill persons

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	phurley	1P115f 10/7					State S&L

FE Sent For:

<END>

Hurley, Peggy

From: Scholz, AJ
Sent: Monday, September 30, 2013 9:47 AM
To: Hurley, Peggy
Subject: RE: Mental Health TADs

Hello Peggy,

The goal is to just mirror the program to what currently exists, but change the requirement of a substance abuse criteria, to some like a diagnosed mental illness or disease. Everything else should be the same as the current program, or at least that is our intent. Funding would be the same as current law funding for the TAD program, if that works. I hope that helps to clarify.

AJ Scholz

Office of Representative Erik Severson
608-267-2365
221 North, State Capitol

From: Hurley, Peggy
Sent: Monday, September 30, 2013 9:27 AM
To: Scholz, AJ
Subject: RE: Mental Health TADs

Hi AJ,

I'm going to need a bit more information, I think. I can start by modeling the program after s. 165.95, but as you can see in that statute, there are several criteria for qualifying for a grant, a matching requirement, and a few funding sources for the grants. Current law also states that TAD programs may not include certain violent offenders. In order to draft this request, I think I need to know, at a minimum, the criteria for qualifying, and where the funding for the grants should come from.

Additionally, counties that qualify for TAD grants under current law are also required to set up an oversight committed and submit to audits. Current law for the TAD program sets a 5 year reapplication requirement, as well. Do you want any of those items in your program?

It may be helpful to go through each provision in s. 165.95 and let me know which, if any, you would want duplicated in your grant program. I would be happy to meet with you to discuss this, if you like. Just let me know.

Peggy

From: Scholz, AJ
Sent: Monday, September 30, 2013 9:17 AM
To: Hurley, Peggy
Cc: Hanus, Andrew
Subject: RE: Mental Health TADs

Hello Peggy,

The intent is to allow for counties to establish mental health specific TADs. So I would think a new grant program for the creation of Mental Health TADs would be appropriate. Thanks for your help!

AJ Scholz

Office of Representative Erik Severson
608-267-2365
221 North, State Capitol

From: Hurley, Peggy
Sent: Friday, September 27, 2013 12:36 PM
To: Scholz, AJ
Cc: Hanus, Andrew
Subject: RE: Mental Health TADs

Hi AJ,

I am happy to help with this draft request. I'm not sure what you mean by "qualify for a TAD." Under current law, DOJ may provide grants to counties that offer TAD programs for people with substance abuse problems (s. 165.95 (3) sets forth the criteria for obtaining a TAD grant from DOJ). Do you want me to eliminate the criteria that require a program to address substance abuse in order to qualify for a grant under s. 165.95, or do you want me to create a new grant program for mental health TAD, or something else?

Peggy

From: Scholz, AJ
Sent: Friday, September 27, 2013 12:05 PM
To: Hurley, Peggy
Cc: Hanus, Andrew
Subject: Mental Health TADs

Hello Peggy,

As part of the Speaker's Task Force on Mental Health, we are working on a recommendation to allow counties to set up Mental Health specific TADs. I know that currently, a person with a mental health diagnosis would also need to have a substance abuse problem in order to qualify for a TAD. Could you put together legislation for us that would expand the TAD program to allow for the development of new TAD courts designed to work with persons with mental health and co-occurring disorders?

Thank you for your assistance. Please let me know if you have any questions.

Sincerely,

AJ Scholz

Office of Representative Erik Severson
608-267-2365
221 North, State Capitol

165.95 Alternatives to incarceration; grant program.

(1) (intro.) In this section, "violent offender" means a person to whom one of the following applies:

(a) The person has been charged with or convicted of an offense in a pending case and, during the course of the offense, the person carried, possessed, or used a dangerous weapon, the person used force against another person, or a person died or suffered serious bodily harm.

(b) The person has one or more prior convictions for a felony involving the use or attempted use of force against another person with the intent to cause death or serious bodily harm.

or who
(2) The department of justice shall make grants to counties to enable them to establish and operate programs, including suspended and deferred prosecution programs and programs based on principles of restorative justice, that provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. The department of justice shall make the grants from the appropriations under s. 20.455 (2) (em), (kn), and (kv). The department of justice shall collaborate with the departments of corrections and health and family services in establishing this grant program.

(2r) Any county that receives a grant under this section on or after January 1, 2012, shall provide matching funds that are equal to 25 percent of the amount of the grant.

(3) (intro.) A county shall be eligible for a grant under sub. (2) if all of the following apply:

(a) The county's program is designed to meet the needs of a person who abuses alcohol or other drugs and who may be or has been charged with or who has been convicted of a crime in that county related to the person's use or abuse of alcohol or other drugs. *2. mentally ill*

(b) The program is designed to promote public safety, reduce prison and jail populations, reduce prosecution and incarceration costs, reduce recidivism, and improve the welfare of participants' families by meeting the comprehensive needs of participants.

(c) The program establishes eligibility criteria for a person's participation. The criteria shall specify that a violent offender is not eligible to participate in the program.

or
(d) Services provided under the program are consistent with evidence-based practices in substance abuse and mental health treatment, as determined by the department of health services, and the program provides intensive case management.

If 1. the
(e) The program uses graduated sanctions and incentives to promote successful substance abuse treatment.

(f) The program provides holistic treatment to its participants and provides them services that may be needed, as determined under the program, to eliminate or reduce their use of alcohol or other drugs, improve their mental health, facilitate their gainful employment or enhanced education or training, provide them stable housing, facilitate family reunification, ensure payment of child support, and increase the payment of other court-ordered obligations.

(g) The program is designed to integrate all mental health services provided to program participants by state and local government agencies and other organizations. The program shall require regular

communication among a participant's substance abuse treatment providers, ^{if applicable,} other service providers, the case manager, and any person designated under the program to monitor the person's compliance with his or her obligations under the program and any probation, extended supervision, and parole agent assigned to the participant.

(h) The program provides substance abuse and mental health treatment services through providers that are certified by the department of health services.

(i) The program requires participants to pay a reasonable amount for their treatment, based on their income and available assets, and pursues and uses all possible resources available through insurance and federal, state, and local aid programs, including cash, vouchers, and direct services.

(j) The program is developed with input from, and implemented in collaboration with, one or more circuit court judges, the district attorney, the state public defender, local law enforcement officials, county agencies responsible for providing social services, including services relating to alcohol and other drug addiction, child welfare, mental health, and the Wisconsin Works program, the departments of corrections, children and families, and health services, private social services agencies, and substance abuse treatment providers.

(k) The county complies with other eligibility requirements established by the department of justice to promote the objectives listed in pars. (a) and (b).

(4) In implementing a program that meets the requirements of sub. (3), a county department may contract with or award grants to a religious organization under s. 59.54 (27).

(5)

(a) A county that receives a grant under this section shall create an oversight committee to advise the county in administering and evaluating its program. Each committee shall consist of a circuit court judge, the district attorney or his or her designee, the state public defender or his or her designee, a local law enforcement official, a representative of the county, a representative of each other county agency responsible for providing social services, including services relating to child welfare, mental health, and the Wisconsin Works program, representatives of the departments of corrections and health and family services, a representative from private social services agencies, a representative of substance abuse treatment providers, and other members to be determined by the county.

(b) A county that receives a grant under this section shall comply with state audits and shall submit an annual report to the department of justice and to the oversight committee created under par. (a) regarding the impact of the program on jail and prison populations and its progress in attaining the goals specified in sub. (3) (b) and (f).

(5m) (intro.) In a program funded by a grant under this section, if urine collection for the purposes of a drug test results in the exposure of a program participant's genitals, pubic area, buttock or anus, all of the following must apply:

(a) The person conducting the urine collection for purposes of a drug test is of the same sex as the program participant.

(b) During the urine collection, the program participant is not exposed to the view of any person not

conducting the urine collection.

(c) The urine collection is not reproduced through a visual or sound recording.

(d) The program participant's genitals, pubic area, buttock, and anus are not subject to any physical inspection beyond observation of the urine collection.

(e) All staff of the program must strive to preserve the dignity of all program participants subject to urine collection for the purpose of drug testing.

(6) Two or more counties may jointly apply for and receive a grant under this section. If counties submit a joint application, they shall include with their application a written agreement specifying each county department's role in developing, administering, and evaluating the program. The oversight committee established under sub. (5) (a) shall consist of representatives from each county.

(7) Grants provided under this section shall be provided on a calendar year basis beginning on January 1, 2007. If the department of justice decides to make a grant to a county under this section, the department of justice shall notify the county of its decision and the amount of the grant no later than September 1 of the year preceding the year for which the grant will be made.

(7m) Beginning in fiscal year 2012-13, the department of justice shall, every 5 years, make grants under this section available to any county on a competitive basis. A county may apply for a grant under this subsection regardless of whether the county has received a grant previously under this section.

(8) The department of justice shall assist a county receiving a grant under this section in obtaining funding from other sources for its program.

(9) The department of justice shall inform any county that is applying for a grant under this section whether the county meets the requirements established under sub. (3), regardless of whether the county receives a grant.

(10) The department of justice shall evaluate every 2 years, the grant program established under this section.

History: 2013 a. 20 ss. 177, 1944.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3286/P1

PJH: *kyf*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*10-1-13
2nd
soon*

*Thursday
10/10*

Gen

1

AN ACT ...; relating to: providing grants to counties that offer treatment and

2

diversion programs to people with mental illnesses

and making an appropriation

Analysis by the Legislative Reference Bureau

X Under current law, the department of justice (DOJ) provides grants to counties that have established qualifying treatment and diversion (TAD) programs for persons who are or may be charged with, or who are convicted of, offenses related to the person's use or abuse of alcohol or other drugs. TAD programs are intended to offer alternatives to prosecution or incarceration for offenders with substance abuse problems in order to reduce recidivism, promote public safety, and reduce prison and jail populations.

X In order to qualify, a county's program must meet certain criteria, including offering treatment for the offender's substance abuse, *and* coordinating with other specialists, including mental health treatment providers, social services providers, and case workers in order to provide intensive case management. Each qualifying program must be developed in collaboration with representatives from the judicial system, law enforcement and corrections, social and welfare service providers, and mental health and substance abuse treatment providers. Further, each county that receives a TAD grant creates an oversight committee with representatives from those agencies or services to administer and evaluate the program. A qualifying TAD program is subject to state audits and each county that receives a TAD grant must submit an annual report to DOJ and to the oversight committee that details its progress in promoting public safety, reducing recidivism and lowering costs, and meeting the treatment and other needs of program participants.

Under this bill, a county may receive a TAD grant for a program that treats persons who have a diagnosed mental illness and who are or may be charged with, or who are convicted of, offenses related to the person's mental illness. Under the bill, the same qualifying, auditing, oversight, and other standards that apply to TAD programs for offenders with substance abuse problems also apply to TAD programs for offenders who are diagnosed with a mental illness.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.455 (2) (em) (title) of the statutes is amended to read:

2 20.455 (2) (em) (title) *Alternatives to prosecution and incarceration for persons*
3 *with mental illness or who use alcohol or other drugs; presentencing assessments.*

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186; 2001 a. 16, 109; 2003 a. 33, 139, 309, 326; 2005 a. 25 ss. 356c to 363r, 415m to 415v, 415w, 416g, 416h; 2005 a. 60, 254, 433; 2007 a. 1; 2007 a. 20 ss. 482 to 500, 9121 (6) (a); 2007 a. 200; 2009 a. 28, 179, 358; 2011 a. 32, 35; 2013 a. 1, 20 ss. 379m to 396, 435, 436, 438 to 443, 445, 446, 448 to 450.

4 **SECTION 2.** 20.455 (2) (kn) (title) of the statutes is amended to read:

5 20.455 (2) (kn) (title) *Alternatives to prosecution and incarceration for persons*
6 *with mental illness or who use alcohol or other drugs; justice information fee.*

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186; 2001 a. 16, 109; 2003 a. 33, 139, 309, 326; 2005 a. 25 ss. 356c to 363r, 415m to 415v, 415w, 416g, 416h; 2005 a. 60, 254, 433; 2007 a. 1; 2007 a. 20 ss. 482 to 500, 9121 (6) (a); 2007 a. 200; 2009 a. 28, 179, 358; 2011 a. 32, 35; 2013 a. 1, 20 ss. 379m to 396, 435, 436, 438 to 443, 445, 446, 448 to 450.

7 **SECTION 3.** 20.455 (2) (kv) (title) of the statutes is amended to read:

8 20.455 (2) (kv) (title) *Grants for substance abuse or mental illness treatment*
9 *programs for criminal offenders.*

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186; 2001 a. 16, 109; 2003 a. 33, 139, 309, 326; 2005 a. 25 ss. 356c to 363r, 415m to 415v, 415w, 416g, 416h; 2005 a. 60, 254, 433; 2007 a. 1; 2007 a. 20 ss. 482 to 500, 9121 (6) (a); 2007 a. 200; 2009 a. 28, 179, 358; 2011 a. 32, 35; 2013 a. 1, 20 ss. 379m to 396, 435, 436, 438 to 443, 445, 446, 448 to 450.

10 **SECTION 4.** 165.95 (2) of the statutes is amended to read:

11 165.95 (2) The department of justice shall make grants to counties to enable
12 them to establish and operate programs, including suspended and deferred
13 prosecution programs and programs based on principles of restorative justice, that
14 provide alternatives to prosecution and incarceration for criminal offenders who are

✓
1 diagnosed with a mental illness or who abuse alcohol or other drugs. The department
2 of justice shall make the grants from the appropriations under s. 20.455 (2) (em),
3 (kn), and (kv). The department of justice shall collaborate with the departments of
4 corrections and health and family services in establishing this grant program.

change component
6
History: 2013 a. 20 ss. 177, 1944.

SECTION 5. 165.95 (3) (a) of the statutes is amended to read:

renumbered 165.95 (3) (a)
(intro.) and
6 165.95 (3) (a) (intro.) The county's program is designed to meet the needs of a person
7 who meets one of the following criteria:

8 1. He or she abuses alcohol or other drugs and ~~who~~ may be or has been charged
9 with or ~~who has been~~ convicted of a crime in that county related to ~~the person's~~ his
10 or her use or abuse of alcohol or other drugs.

History: 2013 a. 20 ss. 177, 1944.

SECTION 6. 165.95 (3) (a) 2. of the statutes is created to read:

12 165.95 (3) (a) 2. He or she has been diagnosed with a mental illness and may
13 be or has been charged with or convicted of a crime in that county related to his or
14 her mental illness.

SECTION 7. 165.95 (3) (d) of the statutes is amended to read:

16 165.95 (3) (d) Services provided under the program are consistent with
17 evidence-based practices in substance abuse and or mental health treatment, as
18 determined by the department of health services, and the program provides
19 intensive case management.

History: 2013 a. 20 ss. 177, 1944.

SECTION 8. 165.95 (3) (e) of the statutes is amended to read:

21 165.95 (3) (e) The If the program meets the criteria set forth in par. (a) 1., the
22 program uses graduated sanctions and incentives to promote successful substance
23 abuse treatment.

History: 2013 a. 20 ss. 177, 1944.

SECTION 9. 165.95 (3) (g) of the statutes is amended to read:

165.95 (3) (g) The program is designed to integrate all mental health services provided to program participants by state and local government agencies and other organizations. The program shall require regular communication among a participant's substance abuse treatment providers, if applicable, other service providers, the case manager, and any person designated under the program to monitor the person's compliance with his or her obligations under the program and any probation, extended supervision, and parole agent assigned to the participant.

History: 2013 a. 20 ss. 177, 1944.

SECTION 10. 165.95 (3) (h) of the statutes is amended to read:

165.95 (3) (h) The program provides substance abuse ~~and~~ [✓] or mental health treatment services through providers that are certified by the department of health services.

History: 2013 a. 20 ss. 177, 1944.

SECTION 11. 165.95 (5) (a) of the statutes is amended to read:

165.95 (5) (a) A county that receives a grant under this section shall create an oversight committee to advise the county in administering and evaluating its program. Each committee shall consist of a circuit court judge, the district attorney or his or her designee, the state public defender or his or her designee, a local law enforcement official, a representative of the county, a representative of each other county agency responsible for providing social services, including services relating to child welfare, mental health, and the Wisconsin Works program, representatives of the departments of corrections and health and family services, a representative from private social services agencies, a representative of substance abuse treatment

as affected by
2013 Wisconsin Act
20,

- 1 providers if the program meets the criteria set forth in sub. (3) (a) 1., and other
2 members to be determined by the county.

History: 2013 a. 20 ss. 177, 1944.

- 3 (END)

O-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3286/P1dn

PJH:...

gf

Date

A.J.,

Please review this preliminary draft to ensure that it is consistent with your intent. The preliminary draft retains current law that allows DOJ to provide grants to counties that establish TAD programs that are for offenders who have a substance abuse problem, but also allows DOJ to provide grants to counties whose programs are for offenders who are diagnosed with a mental illness.

Under the draft, all other criteria for a TAD grant, including ineligibility for violent offenders, matching funds, an oversight committee, etc., apply equally to TAD programs for mentally ill offenders as they do under current law for offenders with a substance abuse problem. Where applicable, the draft amends current law to ensure that requirements related to substance abuse treatments apply only to those programs which offer TAD for offenders with substance abuse problems.

The draft does not define "mental illness" but does require that an offender who is in a county's program be diagnosed with a mental illness and that the crime with which an offender is charged or convicted is related to the mental illness. Please let me know if that does not reflect your intent.

If you have any questions or would like any changes to the preliminary draft, please let me know. When the draft meets your approval, I will redraft it in introducible form.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3286/P1dn
PJH:kjfrs

October 7, 2013

A.J.,

Please review this preliminary draft to ensure that it is consistent with your intent. The preliminary draft retains current law that allows DOJ to provide grants to counties that establish TAD programs that are for offenders who have a substance abuse problem, but also allows DOJ to provide grants to counties whose programs are for offenders who are diagnosed with a mental illness.

Under the draft, all other criteria for a TAD grant, including ineligibility for violent offenders, matching funds, an oversight committee, etc., apply equally to TAD programs for mentally ill offenders as they do under current law for offenders with a substance abuse problem. Where applicable, the draft amends current law to ensure that requirements related to substance abuse treatments apply only to those programs which offer TAD for offenders with substance abuse problems.

The draft does not define "mental illness" but does require that an offender who is in a county's program be diagnosed with a mental illness and that the crime with which an offender is charged or convicted is related to the mental illness. Please let me know if that does not reflect your intent.

If you have any questions or would like any changes to the preliminary draft, please let me know. When the draft meets your approval, I will redraft it in introducible form.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3286/PT

PJH:kjfrs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

g's

10-11-13
to day

(B)

AN ACT *to renumber and amend* 165.95 (3) (a); *to amend* 20.455 (2) (em) (title),
20.455 (2) (kn) (title), 20.455 (2) (kv) (title), 165.95 (2), 165.95 (3) (d), 165.95 (3)
(e), 165.95 (3) (g), 165.95 (3) (h) and 165.95 (5) (a); and *to create* 165.95 (3) (a)
2. of the statutes; **relating to:** providing grants to counties that offer treatment
and diversion programs to people with mental illnesses and making an
appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Justice (DOJ) provides grants to counties that have established qualifying treatment and diversion (TAD) programs for persons who are or may be charged with, or who are convicted of, offenses related to the person's use or abuse of alcohol or other drugs. TAD programs are intended to offer alternatives to prosecution or incarceration for offenders with substance abuse problems in order to reduce recidivism, promote public safety, and reduce prison and jail populations.

In order to qualify, a county's program must meet certain criteria, including offering treatment for the offender's substance abuse, and coordinating with other specialists, including mental health treatment providers, social services providers, and case workers in order to provide intensive case management. Each qualifying program must be developed in collaboration with representatives from the judicial system, law enforcement and corrections, social and welfare service providers, and

mental health and substance abuse treatment providers. Further, each county that receives a TAD grant creates an oversight committee with representatives from those agencies or services to administer and evaluate the program. A qualifying TAD program is subject to state audits and each county that receives a TAD grant must submit an annual report to DOJ and to the oversight committee that details its progress in promoting public safety, reducing recidivism and lowering costs, and meeting the treatment and other needs of program participants.

Under this bill, a county may receive a TAD grant for a program that treats persons who have a diagnosed mental illness and who are or may be charged with, or who are convicted of, offenses related to the person's mental illness. Under the bill, the same qualifying, auditing, oversight, and other standards that apply to TAD programs for offenders with substance abuse problems also apply to TAD programs for offenders who are diagnosed with a mental illness.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.455 (2) (em) (title) of the statutes, as affected by 2013 Wisconsin
2 Act 20, is amended to read:

3 20.455 (2) (em) (title) *Alternatives to prosecution and incarceration for persons*
4 *with mental illness or who use alcohol or other drugs; presentencing assessments.*

5 **SECTION 2.** 20.455 (2) (kn) (title) of the statutes, as affected by 2013 Wisconsin
6 Act 20, is amended to read:

7 20.455 (2) (kn) (title) *Alternatives to prosecution and incarceration for persons*
8 *with mental illness or who use alcohol or other drugs; justice information fee.*

9 **SECTION 3.** 20.455 (2) (kv) (title) of the statutes, as affected by 2013 Wisconsin
10 Act 20, is amended to read:

11 20.455 (2) (kv) (title) *Grants for substance abuse or mental illness treatment*
12 *programs for criminal offenders.*

13 **SECTION 4.** 165.95 (2) of the statutes, as affected by 2013 Wisconsin Act 20, is
14 amended to read:

as affected by 2013
- 3 - Wisconsin
Act 20

1 165.95 (2) The department of justice shall make grants to counties to enable
2 them to establish and operate programs, including suspended and deferred
3 prosecution programs and programs based on principles of restorative justice, that
4 provide alternatives to prosecution and incarceration for criminal offenders who are
5 diagnosed with a mental illness or who abuse alcohol or other drugs. The department
6 of justice shall make the grants from the appropriations under s. 20.455 (2) (em),
7 (kn), and (kv). The department of justice shall collaborate with the departments of
8 corrections and health and family services in establishing this grant program.

9 **SECTION 5.** 165.95 (3) (a) of the statutes is renumbered 165.95 (3) (a) (intro.)
10 and amended to read:

11 165.95 (3) (a) (intro.) The county's program is designed to meet the needs of a
12 person who meets one of the following criteria:

13 1. He or she abuses alcohol or other drugs and ~~who~~ may be or has been charged
14 with or ~~who has been~~ convicted of a crime in that county related to the person's his
15 or her use or abuse of alcohol or other drugs.

16 **SECTION 6.** 165.95 (3) (a) 2. of the statutes is created to read:

17 165.95 (3) (a) 2. He or she has been diagnosed with a mental illness and may
18 be or has been charged with or convicted of a crime in that county related to his or
19 her mental illness.

20 **SECTION 7.** 165.95 (3) (d) of the statutes is amended to read:

21 165.95 (3) (d) Services provided under the program are consistent with
22 evidence-based practices in substance abuse ~~and~~ or mental health treatment, as
23 determined by the department of health services, and the program provides
24 intensive case management.

25 **SECTION 8.** 165.95 (3) (e) of the statutes is amended to read:

as affected
by 2013
Wisconsin
Act 205

1 165.95 (3) (e) ~~The~~ If the program meets the criteria set forth in par. (a) 1., the
2 program uses graduated sanctions and incentives to promote successful substance
3 abuse treatment.

4 **SECTION 9.** 165.95 (3) (g) of the statutes ~~is~~ amended to read:

5 165.95 (3) (g) The program is designed to integrate all mental health services
6 provided to program participants by state and local government agencies and other
7 organizations. The program shall require regular communication among a
8 participant's substance abuse treatment providers, if applicable, other service
9 providers, the case manager, and any person designated under the program to
10 monitor the person's compliance with his or her obligations under the program and
11 any probation, extended supervision, and parole agent assigned to the participant.

12 **SECTION 10.** 165.95 (3) (h) of the statutes ~~is~~ amended to read:

13 165.95 (3) (h) The program provides substance abuse ~~and~~ or mental health
14 treatment services through providers that are certified by the department of health
15 services.

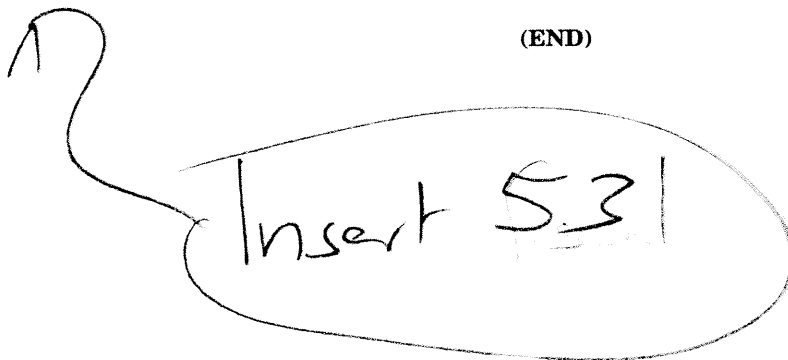
16 **SECTION 11.** 165.95 (5) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
17 is amended to read:

18 165.95 (5) (a) A county that receives a grant under this section shall create an
19 oversight committee to advise the county in administering and evaluating its
20 program. Each committee shall consist of a circuit court judge, the district attorney
21 or his or her designee, the state public defender or his or her designee, a local law
22 enforcement official, a representative of the county, a representative of each other
23 county agency responsible for providing social services, including services relating
24 to child welfare, mental health, and the Wisconsin Works program, representatives
25 of the departments of corrections and health and family services, a representative

1 from private social services agencies, a representative of substance abuse treatment
2 providers if the program meets the criteria set forth in sub. (3) (a) 1., and other
3 members to be determined by the county.

4

(END)

A handwritten note consisting of the text "Insert 5.31" enclosed in a hand-drawn oval. A line extends from the top left of the oval, ending in a small arrowhead pointing towards the top left margin of the page.

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3286/Plins
PJH:kjf:rs

not

INSERT ANALYSIS:

The bill increases funding for TAD grants and directs DOJ to allocate the increased amount to providing grants to counties with TAD programs that address the needs of persons with mental illness.

INSERT 5.3:

SECTION 1. 165.95 (6m) of the statutes is created to read:

165.95 (6m) From the appropriation (account) under s. 20.455 (2) (em), the department shall allocate at least \$750,000 to grants for counties with programs that meet the criteria set forth in sub. (3) (a) 2.

the needs of
persons who
meet

SECTION 2. Fiscal changes.

(1) TREATMENT AND DIVERSION PROGRAMS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (2) (em) of the statutes, as affected by the acts of 2013, the dollar amount is increased by \$75,000,000 for the first fiscal year of the fiscal biennium in which this subsection takes effect to provide grants for counties that establish alternatives to prosecution and incarceration for persons with mental illnesses.

750,000

Parisi, Lori

From: Hall, Steve
Sent: Friday, October 18, 2013 12:17 PM
To: LRB.Legal
Subject: Draft Review: LRB -3286/1 Topic: Treatment and Diversion grant program for mentally ill persons

Please Jacket LRB -3286/1 for the ASSEMBLY.